



[10191/2156]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

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In re Application of: : Examiner: G. A. Jeanglaude
Vasco VOLLMER et al. :
:
For: METHOD OF OPERATING A DEVICE :
CONNECTED TO A VEHICLE :
COMMUNICATIONS NETWORK :
: Art Unit: 2144
Filed: November 11, 2002 :
Serial No.: 10/070,115 :
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Atty's Signature DERVIS MAGISTRE
KENYON & KENYON

APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

SIR:

On September 21, 2005, Appellants submitted a Notice of Appeal from the final rejection of claims 9 and 15-18 contained in the Final Office Action issued by the U.S. Patent and Trademark Office (the "PTO") on April 12, 2005, in the above-identified patent application.

In accordance with 37 C.F.R. § 41.37, this brief is submitted in support of the appeal of the final rejection of claims 9 and 15-18. For at least the reasons set forth below, the final rejection of claims 9 and 15-18 should be reversed.

1. REAL PARTY IN INTEREST

The real party in interest in the present appeal is Robert Bosch GmbH, Postfach 30 02 20, 70442 Stuttgart, Federal Republic of Germany. Bosch is the assignee of the entire right, title, and interest in the present application.

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2. **RELATED APPEALS AND INTERFERENCES**

There are no interferences or other appeals related to the present application.

3. **STATUS OF CLAIMS**

Claims 1-8 are currently cancelled. Claims 9-18 are currently pending. Claims 9 and 15-18 currently stand rejected. Claims 10-14 current stand objected to. Appellants appeal the rejection of claims 9 and 15-18.

4. **STATUS OF AMENDMENTS**

An Amendment filed July 7, 2005, included amendments to the claims. An Advisory Action mailed July 29, 2005 indicated the amendments were not entered. There are currently no amendments pending.

5. **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Briefly, claims 9-14 and 16-18 provide for, *inter alia*, an operating device that is connected to a vehicle communication network. The device may be in a switched-off state when not in use. Using the bus manager, it is determined when it is necessary to communicate with the device that is in the switched-off state. The device is thereupon reactivated by the bus manager via a frequency pulse transmitted over a power supply line.

Claim 15 recites a device including an analyzer circuit connected to a power line, the analyzer circuit including a frequency-selective filter and a threshold detector. The analyzer circuit provides for reactivating the device when a frequency pulse is transmitted over the power supply line.

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 9 and 16-18 are rejected under 35 U.S.C. §102(b) as being anticipated by EPO 444997 issued to Millereau et al. (hereinafter referred to as "Millereau").

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,023,075 issued to Reuter (hereinafter referred to "Reuter") in view of Millereau.

7. **ARGUMENTS**

The rejection of claims 9 and 16-18 is improper

Claims 9 and 16-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Millereau. This rejection is improper because Millereau fails to identically disclose every limitation of claims 9 and 16-18.

Claim 9 recites a method including the detection of when data communication with a device in a switch-off state is necessary. This detection is performed using a bus manager. Claim 9 further recites reactivating the switched-off device “via a frequency pulse transmitted over a power supply line.” Claim 16 recites a bus manager operating similar to the method of claim 9. Claims 17 and 18 depend from and recite further patentable subject matter in view of claims 9 and 16, respectively.

Millereau teaches a simple electronic device including a central unit 5 and electronic modules (M1, M2). The modules are connected via a power supply line 2 with a battery and via a data bus 7 with each other and the central unit 5. During inactivity, the central unit 5 opens the switch 17, and the power supply to the modules (M1, M2) is interrupted. A switch 18 is closed, so that some elements of the modules (e.g. 14, 14') are supplied with current from the battery, which is also in a state of inactivity. During a wake-up state (closing of switch 13), the elements 13 and 14 of the module (M1 or M2) generate a **wake up signal** that is transmitted to the central unit 5 **via the data bus 7**. The central unit closes switch 17 and provides a power supply to the modules.

In support of the final rejection, the Examiner asserts Millereau discloses “reactivating (re-establish the supply) the switched-off device by the bus manager via a frequency pulse (wake-up signals) transmitted over a power supply line (See abstract).” (Final Office Action, page 3, lines 1-2). This is incorrect. The abstract of Millereau clearly and distinctly discloses the generation of a wake-up signal and the transmission of the wake-up signal to the central unit 5 **via the data bus 7**. The abstract of Millereau states:

The central unit (5) is responsive to a predetermined state of the device in order to command its placement into a watching state whilst cutting the supply to the modules (M1, M2) via the common line (2) **and then ensuring power supply to the circuit (12, 12') for generating wake-up signals (IMP) by way of at least one line (DATA) of the databus**. Means (15, 16, 5) are responsive to the wake-up signals emitted by one of the circuits (12, 12') for generating such signals, in order to cut the supply to the device via the

databus (7) and re-establish the supply to the modules via the common power supply (2). (emphasis added)

Millereau discloses that circuits 12 and 12' are powered via the power supply lines. Being activated, the circuits 12 and 12' may thereupon generate the wake-up signals (IMP). These wake-up signals (IMP) are then provided to circuits 15, 16 and central processing station 5 via the DATA line of the databus. The databus transmission of the wake-up signals (IMP) is in direct contradiction to the claimed invention of claims 9 and 16 providing "a frequency pulse transmitted over a power supply line."

Therefore, Appellants submit the rejection of claims 9 and 16-18 under 35 U.S.C. §102(b) as being anticipated by Millereau is improper because Millereau fails to identically disclose every limitation as claimed.

The rejection of claim 15 is improper

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Reuter in view Millereau. This rejection is improper because the combination of Reuter and Millereau fails to teach or suggest every limitation of claim 15.

Claim 15 recites a device including an analyzer circuit connected to a power supply line. The analyzer circuit "is configured to reactivate the device when a frequency pulse" is "transmitted over the power supply line."

In support of this rejection, the Examiner asserts Reuter as teaching an analyzer circuit connected to a power supply line. The Examiner further asserts that "Reuter fails to specifically disclose an analyzer circuit connected to a power supply line, the analyzer circuit is configured to reactivate the device when a frequency pulse transmitted over the supply line is present." (Final Office Action, page 3, final paragraph).

To overcome the deficiencies in the teachings of Reuter, the Examiner asserts the teachings of Millereau. The Examiner further states that Millereau teaches an analyzer circuit "configured to reactivate (re establish) the device when a frequency pulse (wake up signal) transmitted over the power supply line is present." (Final Office Action, page 4, lines 1-2).

Appellants respectfully resubmit the above-offered position with respect to the rejection of claims 9 and 16-18, regarding the teachings of Millereau. As noted above, Millereau does not disclose, teach, or suggest providing a wake-up signal (IMP) across the power line, but rather explicitly discloses transmitting the wake-up signal (IMP) across the data line (DATA).

Therefore, Appellants submit the rejection of claim 15 under 35 U.S.C. §103(a) is improper because Millereau fails to disclose, teach or suggest transmitting a frequency pulse over a power supply line. Moreover, the combination of Millereau and Reuter fails to overcome this deficiency as Reuter is asserted by the Examiner solely for teaching of an analyzer circuit connected to a power supply line.

8. **CONCLUSION**

For at least the reasons indicated above, Appellants respectfully submit that the art of record does not teach or suggest Appellants' invention as recited in the claims of the above-identified application. Accordingly, it is respectfully submitted that the invention recited in the claims of the present application is new, non-obvious and useful. Reversal of the Examiner's rejections and objections of the claims is therefore respectfully requested.

Respectfully submitted,

Dated: 11/21/05

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CLAIMS APPENDIX

9. A method of operating a device which is connected to a vehicle communications network, the method comprising:
detecting, using a bus manager, that data communication with the device in a switched-off state is necessary; and
subsequently reactivating the switched-off device by the bus manager via a frequency pulse transmitted over a power supply line.
15. A device comprising:
an analyzer circuit connected to a power supply line, the analyzer circuit including a frequency-selective filter and a threshold detector, wherein:
the analyzer circuit is configured to reactivate the device when a frequency pulse transmitted over the power supply line is present.
16. A bus manager comprising:
means for detecting that data communication with a device in a switched-off state is necessary, the device being connected to a vehicle communications network; and
means for subsequently reactivating the switched-off device via a frequency pulse transmitted over a power supply line.
17. The method according to claim 9, further comprising:
switching off all functionality of a bit transmission layer of the device, except a functionality enabling the device to respond to the frequency pulse.
18. The bus manager according to claim 16, further comprising:
an arrangement for switching off all functionality of a bit transmission layer of the device, except a functionality enabling the device to respond to the frequency pulse.

EVIDENCE APPENDIX

Appellant submits no additional evidence.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.